

Background:

The Council will review the minutes from the November 4, 2016, Council meeting and the November 3, 2016, Committee of the Whole meeting.

Council — Agenda Item 3**Expected Action:**

The Council will review, revise as appropriate, and approve.

COUNCIL MEETING November 4, 2016 — MINUTES

Council Members Present

Mary Durham, Council Chair
Hunter Adkins
Zack Ahonle, UT-CDS
Kimberly Blackmon
Gladys Cortez
Ivy Goldstein, DSHS
Jennifer Kaut, DARS
Ruth Mason
Scott McAvoy
Michael Peace
Dana Perry
Ron Roberts, TEA
Lora Taylor
David Taylor
Rick Tisch
John Thomas
Donnie Wilson, DADS
April Young, HHSC
Dalun Zhang, A&M — CDD

Council Members Absent

Kristine Clark
Kristen Cox
Mateo Delgado
Stephen Gersuk
Mary Faithfull, DRT
Brandon Pharris

Guests Present

Angela Biggs
Isabel Evans
Daniel Graves, Weaver
Amy Sharp, UT-CDS

Staff Present

Beth Stalvey, Executive
Director
Martha Cantu
Joanna Cordry
Cynthia Ellison
Danny Fikac
Ashley Ford
Jessica Ramos
Meghan Regis
Joshua Ryf
Koren Vogel

Call To Order

The Texas Council for Developmental Disabilities convened on Friday, November 4, 2016, in the Colony C Ballroom of the Sonesta Bee Cave - Austin, 12525 Bee Cave Parkway, Bee Cave, TX 78738. Council Chair Mary Durham called the meeting to order at 9:08 AM.

1. Introductions

Council members, staff and guests were introduced. Amy Sharp, UT CDS was initially present but departed early in the meeting allowing alternate Zach Ahonle to represent that agency.

2. Public Comments

Angela Biggs offered comments on her daughter who is currently residing at a State Supported Living Center (SSLC) but has a referral for community placement. She noted her gratitude for services through Disability Rights Texas. She explained her daughter's dual diagnosis of I/DD and mental health issues and services needed for her support.

3. Consent Items

Chair Durham reviewed consent items including the minutes from the August 5, 2016, Council meeting and August 4, 2016 Committee of the Whole meeting and the excused absences of Kristine Clark; Kristen Cox; Mateo Delgado; Stephen Gersuk; Mary Faithfull, DRT; and Brandon Pharris. Durham added that there is no news to report on new appointments.

MOTION: To approve the minutes of the August 5, 2016 Council meeting and August 4, 2016 Committee of the Whole meeting as well as the excused absences as noted.

MADE BY: Lora Taylor

SECOND: Michael Peace

The motion **passed** without unanimously.

4. **Chair & Executive Director's Report**

Chair Durham reminded members that the February 2017 meetings will allow time for members to meet with their legislators and that business attire is requested for those meetings.

Executive Director Stalvey provided an update on TCDD staff to note that Meghan Regis began her position as a Public Policy Specialist on September 1, 2016. Interviews for the vacant Grants Management Specialist have been conducted and references are being checked for two finalists.

Stalvey reported the selection of Johnson Applied Solutions (JAS) as the contractor for the Partners in Policymaking (PIP) project. NACDD has also been awarded a grant from United Healthcare to provide technical assistance to implement Partners and support graduates.

Stalvey reported that Texas was not selected to receive the ACL Partnerships in Employment grant but will continue to work with Texas partners on employment goals.

The FY 2017 – FY 2021 State Plan was submitted on August 15, 2016. Stalvey expressed her gratitude to Planning Director Joanna Cordry and Planning Specialist Danny Fikac as well as all TCDD staff for their efforts to complete this task.

TCDD hosted the NACDD Executive Director's Summit in September. The event was very well attended with 36 states represented and included the Texas DD Network Partners sharing experiences for their collaborative efforts. A panel discussion on Texas initiatives for Alternatives to Guardianship and Supported Decision-Making was held at the Texas Capitol and included Senator Judith Zaffirini, former TCDD Public Policy Specialist Belinda Carlton, David Slayton of the Office of Court Administration, and Texas Supreme Court Chief Justice Nathan Hecht who discussed their work to see these changes implemented, as well as the first person to sign a Supported Decision-Making Agreement along with his supporter.

5. **Consideration of FY 2016 Annual Internal Audit Report**

Chair Durham introduced Dan Graves from Weaver & Tidwell, LLC, who presented a brief overview of FY 2016 internal audit activities on website maintenance, the FY 2016 Annual Internal Audit Report and the FY 2017 Annual Internal Audit Plan.

Graves first discussed the FY 2016 internal audit activities to note that the controls over the website maintenance processes were rated overall as satisfactory and that six findings were identified within the two audit objectives. Graves reported that TCDD management has reviewed and accepted the findings and drafted a response with implementation dates.

Graves next discussed the FY 2016 Annual Internal Audit Report which is the formal report due to the State Auditor's Office (SAO) and must be posted to the TCDD website in November 2016. The report is in a format prescribed by the SAO and includes the overview of FY 2016 internal audit activities, consulting and non-audit services performed for TCDD, Internal Audit Quality Assurance Report, overview of FY 2017 Internal Audit Plan, and external audit services.

Graves discussed the plans for FY 2017 internal audit activities to cover grant management and administration and noted that field work for these activities is planned for March 2017. Also included will be follow up to the 2015 internal audit on controls and procedures and he noted that the field work for this portion has been completed and shows management has responded to all of the recommendations. The final piece of the FY 2017 internal audit activities will consist of follow-up to the 2016 internal audit on website maintenance and the field work is planned for May 2017.

MOTION: To approve the FY 2016 Internal Audit Report for submission to the State Auditor's Office.

MADE BY: Scott McAvoy for the Audit Committee. (motions from Committee do not need a second)

The motion **passed** unanimously. (Attachment 1)

6. Selection of TCDD Nominating Committee Members

Project Development Committee Chair Gladys Cortez reported the selection of Kimberly Blackmon as that Committee's representative to the TCDD Nominating Committee. Public Policy Committee Chair Lora Taylor reported the selection of Hunter Adkins as that Committee's representative to the Nominating Committee. Rick Tisch was asked if he would be willing to serve as the third member of the Committee and he agreed.

MOTION: To form the TCDD Nominating Committee of Hunter Adkins, Kimberly Blackmon, and Rick Tisch.

MADE BY: Gladys Cortez for the Project Development Committee.

The motion **passed** unanimously.

7. Future Activities for State Plan Implementation

Project Development Committee Chair Cortez reported on Committee discussion of the executive summary for a Texas Sibling Network. This project would develop a statewide network that increases opportunities for siblings in Texas to connect, receive and share information; develop leadership and advocacy skills; and to receive supports to advocate for themselves and their siblings. Funding is recommended at up to \$85,000 per year for up to five years.

MOTION: To approve the Executive Summary to fund a Texas Sibling Network at \$85,000 per year for up to five years.

MADE BY: Gladys Cortez for the Project Development Committee.

The motion **passed** unanimously. (Attachment 2)

Cortez reported that the Committee recommends adding the new Texas Sibling Network project to the Future Funding Priorities list as the third priority. The Partnership with African American Clergy to Support Families project is being removed from the list as this was designed to work in collaborative efforts with the Hogg Foundation and is no longer needed.

MOTION: To approve revisions to the Future Funding Priorities list by placing projects in the following order: (1) Translation Services; (2) Alternatives to Guardianship and Supported Decision-Making DD Network Project; (3) Texas Sibling Network; (4) Support for Student Research-Related Expenses on Disability-Related Topics; (5) Peer Support for Specialists for Person Directed Planning.

MADE BY: Gladys Cortez for the Project Development Committee

The motion **passed** unanimously. (Attachment 3).

8. **Position Statement Review**

Public Policy Committee Chair Lora Taylor reported that the Public Policy Committee reviewed draft revisions to five position statements. The Committee reviewed the Public Transportation Systems statement and recommended revisions as presented in Council materials.

MOTION: To approve proposed revisions to the TCDD Public Transportation Systems Position Statement.

MADE BY: Lora Taylor for the Public Policy Committee

The motion **passed** unanimously. (Attachment 4).

Taylor reported that the Public Policy Committee discussed the Criminal Justice position statement and recommended revisions as presented in Council materials with the removal of the word “and” in the first paragraph which was an error in the draft.

MOTION: To approve proposed revisions to the TCDD Criminal Justice Position Statement.

MADE BY: Lora Taylor for the Public Policy Committee

The motion **passed** unanimously. (Attachment 5).

Taylor reported that the Committee discussed the Right to Privacy position statement and recommended revisions as presented in Council materials including the addition to the title of “Confidentiality of Information”.

MOTION: To approve proposed revisions to the TCDD Right to Privacy-Confidentiality of Information Position Statement.

MADE BY: Lora Taylor for the Public Policy Committee

The motion **passed** without opposition. Ivy Goldstein, Donnie Wilson, and April Young abstained from voting. (Attachment 6).

Taylor reported that the Committee discussed the Service Coordination position statement and recommended revisions as presented in Council materials with three additional edits. The edits include eliminating the words “to participate” in the last sentence of the second paragraph, changing culturally “competent” to culturally “sensitive” in the sixth paragraph, and eliminating “purpose of public benefits” from the first bullet of the eighth paragraph.

MOTION: To approve proposed revisions to the TCDD Service Coordination Position Statement.

MADE BY: Lora Taylor for the Public Policy Committee

The motion **passed** without opposition. Donnie Wilson and April Young abstained from voting. (Attachment 7).

Taylor reported that the Public Policy Committee discussed the Education position statement and recommended revisions as presented in Council materials. The Council engaged in a discussion of the second paragraph, specifically regarding the language “The number of students requiring these (*special education*) services should not be predetermined according to the fixed percentages of the general student population, but should be based exclusively on the objectives of each student’s strengths and needs by qualified professionals”. No additional revisions were made.

MOTION: To approve proposed revisions to the TCDD Education Position Statement.

MADE BY: Lora Taylor for the Public Policy Committee

The motion **passed** with 14 votes to approve. Scott McAvoy, Ron Roberts and John Thomas voted in opposition. Gladys Cortez abstained from voting. (Attachment 8).

9. Presentation: Region 17 Education Service Center – Family Involvement in Schools

Staff from Region 17 were unable to attend the meeting so the presentation will be postponed to a future meeting.

10. Disproportionalities and Disparities Discussion

Executive Director Stalvey discussed the Council’s increased focus on addressing disproportionalities and disparities in Council business as outlined in the FY 2017 – FY 2021 State Plan. One recent effort was TCDD hosting a workshop entitled Undoing Racism that was

facilitated by The People's Institute. There were 40 participants from across the Council network including TCDD staff and Council members, grantees, advocate colleagues and community leaders. Future Committee and Council meetings will give members the opportunity to discuss these issues, strategies to address these issues, and ways to improve or change the way the Council does business.

Project Development Committee Chair Cortez reported that Committee had a strong discussion and noted that efforts will be made to be more purposeful in addressing disproportionalities and disparities in RFP development.

Public Policy Committee Chair Taylor reported that Committee had a wonderful discussion and thanked the agency representatives for the insight offered on the tools that are available to address this issue.

11. Communications and Marketing Activities Report

Communications Director Joshua Ryf provided updates on communications activities from the past quarter. He discussed highlights of social media posts and noted the increasing number of individuals that are being reached. Ryf reported on events that TCDD staff attended during the quarter throughout the state and noted that because of attendance at six events, approximately 180 people learned of TCDD, there are 76 new subscribers to TCDD emails and there are eight new individuals interested in applying to be Council members. Ryf concluded by discussing the different advocacy opportunities, policy comments, and information and marketing campaigns for TCDD RFPs and disability events.

Durheim reported that the Executive Committee discussed options for maintaining the Council Member Only section of the website with the requirements for individualized login and passwords and determined that there was not enough usage to justify the effort.

MOTION: To eliminate the Council Member Only section of the TCDD website.

MADE BY: Mary Durheim for the Executive Committee

The motion **passed** unanimously.

12. Executive Committee Report

Chair Durheim reviewed the grant funding that was awarded during the Executive Committee meeting. Continuation grant funding was awarded to Community Healthcore (Building Community Capacity through Collaboration), Disability Rights Texas (Guardianship Alternatives Training), and Reaching Families Advocacy and Support Group (Culturally Appropriate Family Supports). Four event stipends and one speaker stipend were awarded this quarter.

The Executive Committee reviewed an appeal from West Central Texas Regional Foundation who did not receive funding for Higher Education Collaborative grant and the Com-

mittee determined that the proper process was followed and the original decision to not fund was upheld.

The Committee approved eight new individuals to the pool of potential Independent Review Panel members.

Operations Director Cantu reviewed the quarterly financial reports and noted that administrative expenses for FY 2016 are final. She noted that although the summary of funds report shows there to be projected negative balances, these numbers are expected to fluctuate due to actual grant expenditures and project start dates. The Executive Committee members did not express any concerns with the agency financial reports.

The Committee reviewed Conflict of Interest disclosures and no concerns were noted.

13. Project Development Committee Report

Project Development Committee Chair Cortez reported that five new projects began during the previous quarter included three Leadership and Advocacy projects, one Public Policy Fellowship and one Outreach and Development project. The Committee requested Jason Sabo provide a presentation at the February 2017 Committee of the Whole meeting in preparation for legislative visits.

14. Public Policy Committee Report

Public Policy Committee Chair Taylor reported on Committee discussion of Public Policy Staff Activities. They reviewed the HHSC LAR summary and discussed issue briefs on Special Education and School Choice, Criminal Justice, Early Childhood Education and SSLCs. The Committee also discussed the potential impact of a future Supreme Court decision in the Endrew v. Douglas County School District case on standards of special education.

15. Audit Committee Report

In the absence of Audit Committee Chair Kristen Cox, Council Chair Durham reported on the Audit Committee meeting. She noted that the Council will need to select a new auditing firm for FY 2018 – FY 2021. Operations Director Cantu reviewed the timeline for this process which will begin with a RFP posting in April 2017 and evaluations of proposals throughout the summer of 2017 so that a recommendation can be presented to the Council at the August 2017 meeting. Audit Committee members Scott McAvoy and John Thomas will participate in evaluating the proposals.

16. State Agency Representatives Quarterly Activities Report

Texas Center for Disability Services (TCDS) representative Zack Ahonle reported that they are preparing to work with the A&M Center on Development and Disability's (CDD) TCDD Higher Education Collaborative project. He also noted that they are beginning an employment related training project that will be in conjunction with Texas Workforce Commission that will be similar in scope to Project SEARCH projects but will serve individuals with significant intellectual disabilities.

A&M CDD representative Dalun Zhang reported that the center has just completed the first year of its five-year state plan and had doubled the number of projects in that year due to an increase in funding from AIDD. He reported that Project CASE which is funded by TCDD is going exceptionally well with more student demand than they can accommodate. He discussed their Purposeful Life program which has had great success and requests to replicate the program in other areas.

Health and Human Services Commission (HHSC)/Medicaid alternate representative April Young reported that representative Nancy Walker retired on October 31, 2016 so Young is now assisting with coordinating Medical/Social Services (MSS) division activities. The MSS division hopes to streamline activities for a number of programs. She reported that the STAR Kids managed care initiative kicked off on November 1, 2016 for individuals under the age of 21 who receive SSI. HHSC has designated a specific email address that consumers can contact with questions or concerns about STAR Kids. She also reported that Community First Choice (CFC), which provides attendant and habilitation care in the community for individuals that need institutional levels of care, continues to grow with approximately 30,000 individuals registered. HHSC is looking to streamline the CFC application process. She reported that the Employment First Taskforce recently completed the second report and will soon be delivered to legislators.

Health and Human Services Commission (HHSC)/Older Americans Act representative Donnie Wilson discussed efforts around Person Centered Planning and reported that online introductory training modules have been established. A workgroup is being established and stakeholders are being recruited to define the Person Centered Planning process in Texas.

Department of State Health Services (DSHS)/Title V/Maternal Child Health, Ivy Goldstein reported that the Children with Special Health Care Needs (CHSCN) program housed at the Department of State Health Services is now referred to as the CHSCN Systems Development Group. The program conducts ongoing needs assessments and completes annual surveys. There is a current survey for primary care and specialty care physicians seeking provider input to guide the program's work.

Texas Workforce Commission(TWC)/Rehabilitation Act Programs representative Jennifer Kaut reported on Workforce Innovation and Opportunity Act (WIOA) activities including expanded pre-employment services. She noted that developmental disorders including autism, AD/HD and intellectual disabilities are the largest group of consumers serviced by the vocational rehabilitation (VR) program and that terminology within the VR program is changing from cognitive to neurodevelopmental disabilities.

Texas Education Agency (TEA)/Individuals with Disabilities Education Act (IDEA) representative Ron Roberts explained his position within TEA in the IDEA Support division where he investigates special education compliance. He discussed recent news reports that school districts were under direction to only allow special education services to 8.5%

of students and stated that this perceived directive was never brought to the attention of staff in his division or it would have been addressed. He feels concerned that parents were not aware of or did not exercise their right to due process so that issues could have been resolved. He states that there is no limit on students who can receive special education services. His division will look at corrective actions for non-compliant school districts and will do outreach to parents to inform them of their rights.

17. Announcements and Updates

Council members discussed dates and locations of future meetings of February 8-10, 2017 (Holiday Inn Austin Midtown), May 3–5, 2017, August 2-4, 2017, and November 1-3, 2017 (tentative).

Adjourn

Council Chair Durham adjourned the meeting at 11:55 AM.

Beth Stalvey, Secretary to the Council Date

Council Meeting
Attachments to November 2016 Minutes

The minutes of the November 2016 Council meeting refer to eight (8) attachment items:

1. FY 2016 Internal Audit Report — tcdd.texas.gov/wp-content/uploads/2017/01/Tab13-A1-TCDD-Annual-Report-2016.pdf
2. Executive Summary for Texas Sibling Network project — <http://www.tcdd.texas.gov/wp-content/uploads/2017/01/Tab13-A2-Exec-Sum-Sibling-Support-Network.pdf>
3. Future Funding Priorities list revisions — tcdd.texas.gov/wp-content/uploads/2017/01/Tab13-A3-Future-Funding-Chart-Sep16.pdf
4. Public Transportation Systems Position Statements — tcdd.texas.gov/wp-content/uploads/2017/01/Tab13-A4-Public-Transportation-Systems-PS.pdf
5. Criminal Justice Position Statements — tcdd.texas.gov/wp-content/uploads/2017/01/Tab13-A5-Criminal-Justice-PS.pdf
6. Right to Privacy Position Statements — tcdd.texas.gov/wp-content/uploads/2017/01/Tab13-A6-Right-Privacy-PS.pdf
7. Service Coordination Position Statements — tcdd.texas.gov/wp-content/uploads/2017/01/Tab13-A7-Service-Coordination-PS.pdf
8. Education Position Statements — tcdd.texas.gov/wp-content/uploads/2017/01/Tab13-A8-Education-PS.pdf

COMMITTEE OF THE WHOLE November 3, 2016 — MINUTES

Council Members Present

Mary Durham, Council Chair
Hunter Adkins
Patty Anderson, DRT
Kimberly Blackmon
Gladys Cortez
Rachel Jew, DSHS
Jennifer Kaut, DARS
Ruth Mason
Scott McAvoy
Michael Peace
Dana Perry
Ron Roberts, TEA
Amy Sharp, UT CDS
David Taylor
Lora Taylor
Richard Tisch
John Thomas
April Young, HHSC
Donnie Wilson, DADS
Dalun Zhang, A&M CDD

Council Members Absent

Kristine Clark
Kristen Cox
Mateo Delgado
Stephen Gersuk
Brandon Pharris

Guests Present

Justin Babineaux, DADS
Melinda Bect
Angela Biggs
Jan Brown, JAS
Isabel Evans
Ivy Goldstein, DSHS
Ted Johnson, JAS
Steve Kester
Amy Litzinger
Linda Litzinger
Tonya McFarland
Karen McKinnon, JAS

Staff Present

Beth Stalvey, Executive
Director
Martha Cantu
Joanna Cordry
Cynthia Ellison
Danny Fikac
Ashley Ford
Linda Logan
Jessica Ramos
Meghan Regis
Fernando Rodriguez
Joshua Ryf
Koren Vogel

Call To Order

The Committee of the Whole of the Texas Council for Developmental Disabilities convened on Thursday, November 3, 2016, in the Colony C Ballroom of the Sonesta Bee Cave - Austin, 12525 Bee Cave Parkway, Bee Cave, TX 78738. Council Chair Mary Durham called the meeting to order at 9:30 AM.

1. Introductions

Council members, staff and guests introduced themselves.

2. Public Comments

Public comments were deferred until later in the meeting.

3. 85th Texas Legislature Preparation

Public Policy Specialist Linda Logan discussed public education issues in Texas. She began with federal policy Every Student Succeeds Act (ESSA) that returns a great deal of control to the states in determining how they achieve federal goals regarding standardized testing, accountability and remedies for failing schools. Logan next discussed the federal Workforce Innovation and

Opportunity Act (WIOA) and Section 511 provisions for transition age youth.

Logan discussed Texas specific issues for special education services including the number of Texas students receiving special education services; positive behavior interventions and supports; and use of restraint and seclusion; supported decision-making; and disproportionality in special education.

4. Public Comments

Chair Durham allowed public comments to be offered at this time in the meeting when all guests were present. Public comments were received from Linda Litzinger and Maggie Souter on teacher qualifications and legislation that would require general education teachers to have training on special education and inclusion services.

Angela Biggs offered comments on her daughter who is a resident at a State Supported Living Center but has a referral for community placement and hopes to be able to receive the services she needs in the community.

5. 85th Texas Legislature Preparation - continued

Public Policy Director Jessica Ramos discussed the Health and Human Services Commission (HHSC) Legislative Appropriations Request (LAR). She reviewed highlights of the Exceptional Items Requests which include funding for: maintaining caseloads for Early Childhood Interventions, Promoting Independence initiatives, Interest List reductions, State Supported Living Centers and State Hospitals, Intensive Behavioral Interventions for people with Autism Spectrum Disorders, community attendant wages, and day-habilitation compliance. She also discussed proposed rate reduction options that could have an impact on consumer services.

6. Screening of *Bottom Dollars* Documentary

Members viewed a documentary film produced by the Washington State protection and advocacy agency called *Bottom Dollars*. The film looked at sub-minimum wage employment policy and highlighted individuals currently or previously working in these settings. It also featured individuals with significant disabilities working in competitive employment.

Adjourn

Council Chair Durham adjourned the Committee of the Whole at 1:10 PM.

Beth Stalvey, Secretary to the Council Date